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**OPERATION SAFE ROADS - CENTRAL VALLEY
FIVE COMPANIES AND TWENTY-THREE INDIVIDUALS CHARGED WITH LYING
TO THE U.S. DEPARTMENT OF TRANSPORTATION ABOUT REQUIRED REST
REGULATIONS AIMED AT AVOIDING DRIVER FATIGUE AND ACCIDENTS**

**According to One Indictment, One Defendant Caused a Multi-Fatality, Multi-Injury
Accident on Interstate Highway 10 in Arizona. United States Attorney Scott Presents \$1
Million to the California Highway Patrol to Combat Violations.**

SACRAMENTO--United States Attorney McGregor W. Scott and Charles Lee, Jr., Assistant Inspector General for Investigations, U.S. Department of Transportation's Office of Inspector General, announced today the results of Operation Safe Roads - Central Valley, an 18-month investigation into the chronic falsification of commercial truck driver's federally-required records of driving and rest hours. In all 5 trucking companies, 2 executives, 1 safety director, 1 dispatcher and 19 truck drivers have been charged with federal offenses relating to the falsification of those records.

This operation is the product of an extensive investigation conducted by the U.S. Department of Transportation's Office of Inspector General - San Francisco Region. The agency was assisted on specific issues throughout the operation by the Federal Motor Carrier Safety Administration, the California Highway Patrol, the Arizona Department of Public Safety, and U.S. Immigration and Customs Enforcement. Assistant United States Attorney Marlon Cobar is the prosecutor in this operation.

The charges against the individual and corporate defendants vary, but it is alleged that they falsified and aided and abetted in the falsification of Records of Duty Status, commonly referred to as "Driver's Daily Logbooks." Commercial trucking companies and their drivers such as the defendants are required under federal law to fill out and maintain truthful and accurate Driver's Daily Logbooks for inspection by the Federal Motor Carrier Safety Administration, an agency of the U.S. Department of Transportation, as well as state law enforcement authorities such as the California Highway Patrol. Federal Motor Carrier Safety Regulations require truck drivers to fill out and trucking companies to maintain truthful Driver's Daily Logbooks for several reasons, including so that federal inspectors and state law enforcement authorities can accurately determine whether a commercial truck driver has exceeded the maximum allowable number of daily driving hours without having the required hours of rest or off duty time. The maximum allowable number of daily and on-duty hours were

implemented by the U.S. Department of Transportation to ensure that commercial truck drivers operate their trucks in a safe and unimpaired manner and that they are not driving in a tired or fatigued condition. However, as the indictment returned by the Grand Jury for the Eastern District of California against defendant Nijjar Brothers Trucking, Inc., alleges, at times “trucking companies and their drivers falsify Driver’s Daily Logbooks to permit drivers to drive for longer periods of time than the law permits, without disclosing their actual time driving in the required records which are subject to review by federal and state officials. Fewer drivers driving longer hours are a method of lowering operating costs and increasing profitability for trucking companies and their drivers.”

The defendants in this operation are specifically charged as follows:

Nijjar Brothers Trucking, Inc.

Madera, CA interstate trucking company transporting produce and dry goods throughout western states. A federal grand jury sitting in Fresno returned a 76-count indictment against the company and its named employees last Thursday. That Indictment was unsealed yesterday afternoon in U.S. District Court there. The indictment charges the company, the company’s president, vice-president, safety director, a dispatcher, and nine of its drivers.

Corporate Defendant:

Charges:

- Title 18, United States Code, Section 371 - Conspiracy to Make False Statements to a Government Agency;
- Title 18, United States Code, Sections 1001 and 2 - Aiding and Abetting False Statements to a Government Agency (50 Counts);
- Title 18, United States Code, Section 371 - Conspiracy to Make False Entries in Records of Federal Investigations and Proceedings;
- Title 18, United States Code, Sections 1519 and 2- Aiding and Abetting False Entries in Records of Federal Investigations and Proceedings (22 Counts).

Maximum Penalties:

3-year term of supervised release; 5-year term of probation; \$500,000 fine.

Court Proceedings:

Company’s attorney scheduled to appear for initial appearance on December 10, 2004.

Individual Defendants:

- SURRINDER SINGH NIJJAR, President
- AMRIPTPAL P. SINGH, Principal
- SUKHWINDER SINGH, Dispatcher and Safety Director
- GURDEEP SINGH, Dispatcher

- MUHAMMAD ARSHID CHAUDHRY, Driver
- PEDRO FARIAS, Driver
- GREG ALLEN MELLO, Driver
- TARSEM SINGH PAHAL, Driver
- BHINDER SINGH RAJU, Driver
- BALJINDER SINGH, Driver, On September 30, 2003, while driving in violation of federal rest regulations, caused an accident on Interstate Highway 10 in Arizona, which killed two members of a family and led to at least seven serious injuries and a multi-vehicle collision.
- DALJIT SINGH, Driver
- JASWANT SINGH, Driver
- JASPREET SINGH, Driver

Charges:

- Title 18, United States Code, Section 371 - Conspiracy to Make False Statements to a Government Agency;
- Title 18, United States Code, Section 1001 - Making False Statements to a Government Agency;
- Title 18, United States Code, Section 371 - Conspiracy to Make False Entries in Records of Federal Investigations and Proceedings;
- Title 18, United States Code, Section 1519 - Making False Entries in Records of Federal Investigations and Proceedings;
- Title 18, United States Code, Section 1512 -Witness Tampering (as to defendant SURRINDER SINGH NIJJAR only).

Maximum Penalties:

5-year term of imprisonment (18 U.S.C. 371 and 1001); 20-year term of imprisonment (18 U.S.C. 1519); 10-year term of imprisonment (18 U.S.C. 1512); 3-year term of supervised release; \$250,000 fine.

Court Proceedings:

Arrest warrants were issued last Thursday for all defendants. All but two defendants are in-custody. Special Agents from the Office of Inspector General continue searching for the remaining two defendants. All in-custody defendants made their initial appearances before U.S. Magistrate Judge Lawrence J. O'Neill in Fresno at 2:30 p.m. yesterday. Surrinder Singh Nijjar, President, and Amriptpal P. Singh, Principal, who also made their initial appearance in court yesterday, were each ordered released on a \$1 million secured bond.

NB Trucking, Inc.

Madera, CA interstate trucking company transporting produce and dry goods throughout western states. A federal Grand jury sitting in Fresno returned a 74-count indictment against the company last Thursday. That Indictment was unsealed yesterday afternoon in U.S. District Court there. The Indictment charges that both Nijjar Brothers Trucking, Inc. and NB Trucking

conducted their trucking and related business operations interchangeably under the corporate umbrella and name of Nijjar Brothers Trucking, Inc. The indictment also alleges that both companies used the same truck drivers, trucks, trailers, dispatchers, support personnel and operations facilities, while owned and managed by defendants SURRINDER SINGH NIJJAR and AMRIPTPAL P. SINGH.

Corporate Defendant:

Charges:

- Title 18, United States Code, Section 371 - Conspiracy to Make False Statements to a Government Agency;
- Title 18, United States Code, Sections 1001 and 2- Aiding and Abetting False Statements to a Government Agency (50 Counts);
- Title 18, United States Code, Section 371 - Conspiracy to Make False Entries in Records of Federal Investigations and Proceedings;
- Title 18, United States Code, Sections 1519 - Aiding and Abetting False Entries in Records of Federal Investigations and Proceedings (22 Counts).

Maximum Penalties:

- 3-year term of supervised release; 5-year term of probation; \$500,000 fine.

Court Proceedings:

- Company's attorney scheduled to appear for initial appearance on December 10, 2004 before U.S. Magistrate Judge Lawrence J. O'Neill in Fresno.

Semper Truck Lines, Inc.

Fresno, CA interstate trucking company transporting dry goods and cattle throughout western and northwestern states. A federal Grand jury sitting in Fresno returned a 5-count indictment against the company and three of its drivers last Thursday. That Indictment was unsealed yesterday afternoon in U.S. District Court there.

Corporate Defendant:

Charges:

- Title 18, United States Code, Sections 1001 and 2 - Aiding and Abetting False Statements to a Government Agency (5 Counts).

Maximum Penalties:

- 3-year term of supervised release; 5-year term of probation; \$500,000 fine.

Court Proceedings:

- Company's attorney scheduled to appear for initial appearance on December 10, 2004 before U.S. Magistrate Judge Lawrence J. O'Neill in Fresno.

Individual Defendants:

- JOEL FLORES, Driver
- JOSE MARIA GARCIA-LEON, Driver
- JESUS SERNA LUNA, Driver

Charges:

- Title 18, United States Code, Section 1001 - Making False Statements to a Government Agency.

Maximum Penalties:

- 5-year term of imprisonment; 3-year term of supervised release; \$250,000 fine.

Court Proceedings:

- All defendants scheduled to make initial appearances at 10:30 a.m. before U.S. Magistrate Judge Lawrence J. O'Neill in Fresno.

Beef Packers, Inc.

Corporate Defendant:

Fresno, CA meat processing company transporting cattle to Fresno from western and northwestern states. The company entered into a plea agreement with the government whereby it pled guilty to one count of violating Title 18, United States Code, Sections 1018 and 2 - Aiding and Abetting the Making and Delivering a False Official Writing. In accordance with the plea agreement, on November 24, 2004, U.S. Magistrate Judge Sandra M. Snyder sentenced the company to 5-years probation and fined it \$5,000 plus court assessments. As a special condition of probation, the company is mandated to implement a strict safety and regulatory compliance program in relation to its commercial trucking operations. That compliance program will be monitored by the Office of Inspector General and the Federal Motor Carrier Safety Administration.

Ore-Cal Livestock, Inc.

Corporate Defendant:

Oregon interstate trucking company transporting cattle to Fresno from western and northwestern states. The company entered into a plea agreement with the government whereby it pled guilty to five counts of violating Title 18, United States Code, Sections 1001 and 2 - Aiding and Abetting False Statements to a Government Agency. In accordance with the plea agreement, on November 29, 2004, U.S. District Court Judge Anthony W. Ishii sentenced the company to 5-

years probation and fined it \$25,000 plus court assessments. As a special condition of probation, the company is mandated to implement a strict safety and regulatory compliance program in relation to its commercial trucking operations. That compliance program will be monitored by the Office of Inspector General and the Federal Motor Carrier Safety Administration. As another special condition of probation, the company is required to pay the Office of Inspector General \$50,000 as a settlement for the costs of investigating the case. Finally, another special condition of probation is that the company pay the total sum of \$1 million over the next five years towards trucking safety. As directed by United States Attorney McGregor W. Scott, the funds will be delivered to the California Highway Patrol's Commercial Vehicle Section. Those funds will be used for enforcement officer's over-time pay and public awareness efforts as they relate to reducing accidents involving commercial trucks on California's highways. United States Attorney Scott officially presented the \$1 million to California Highway Patrol Commissioner Michael Brown at a news conference today.

Individual Defendants:

- JOSE MARIA BARAJAS GARCIA, Driver
- KURT HOLMES, Driver
- JOSE MARIO RAZO-MARTINEZ, Driver
- TONY RODRIGUEZ, Driver
- JUSTO SARAGUETA, Driver
- BYRON DAVID STEVENS, Driver
- MICHAEL JOHN STARNER, Driver

Charges:

- Title 18, United States Code, Section 1018 - Making and Delivering a False Official Writing.

Maximum Penalties:

- 1-year term of imprisonment; \$100,000 fine.

Court Proceedings:

- All defendants scheduled to make initial appearances at 10:30 a.m. before U.S. Magistrate Judge Lawrence J. O'Neill in Fresno.

Said United States Attorney Scott, "As we travel the highways this holiday season, it is incumbent upon commercial truck drivers and their employers to take all necessary safety precautions."

Said Assistant Inspector General Lee, "One of the Office of Inspector General priorities is to improve highway safety by uncovering criminal violations of federal laws governing the amount of time truck drivers can spend behind the wheel of big rigs. The public has a right to expect that commercial drivers sharing the road are both rested and alert. In this case, it seems that their employers sought to put their own interests ahead of the safety of the traveling public."

Said California Highway Patrol Commissioner Michael Brown, "We'd like to thank the U.S. Attorney for including us. This money will help us make California a safer place for all of us to live and drive. Truck safety is one of the CHP's top priorities."

Said Hank Smedley, Special Agent-in-Charge of the San Francisco Region of the U.S. Department of Transportation's Office of Inspector General, "Our office will continue to aggressively pursue these cases in the Central Valley, where commercial trucking is prominent." Smedley added that, "This sends a strong message to those who try to circumvent the law and endanger public safety."

Statistics show that over 5,000 people are killed each year in accidents involving commercial trucks. According to the California Highway Patrol, the number of such accidents in the 34 counties within the Federal Judicial Eastern District of California is disproportionately high. This is due in part to the many transportation arteries in the area, as well as the commercial hauling of agricultural products from the district. Many such accidents have been attributed to driver fatigue, unsafe vehicles and unqualified operators. One of the strategic goals of the U.S. Department of Transportation is to promote public health and safety by working toward the elimination of transportation-related deaths, injuries and property damage. In support of this goal, the Office of Inspector General, the U.S. Department of Transportation's criminal investigative element, has made its Motor Carrier Safety Program a top investigative priority.

The charges are only allegations and the defendants are presumed innocent until and unless proven guilty beyond a reasonable doubt.

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